

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***WRIT PETITION NO. 8938 OF 2015
with
CIVIL APPLICATION (St.) NO. 20931 OF 2019***

Sameer Abubakar Inamdar

... Petitioner

V/s.

Divisional Caste Scrutiny Committee

No.1, Solapur, Ambedkar Bhavan & Ors.

... Respondent

Ms. Neha Sonawane a/w. Ms. Dhanashree Badade i/b. Vis Legis Law
Practice for the Petitioner

Ms. S.S. Bhende, AGP for the Respondent -State

***CORAM : NITIN JAMDAR &
AMIT B. BORKAR, JJ.***

***DATE : 5 JANUARY 2022
(Through Video Conferencing)***

P.C. :-

Heard the learned Counsel for the parties. Taken up for
disposal.

2. The Petitioner has challenged the order passed by the
Respondent No.1 – Divisional Caste Scrutiny Committee, Solapur

dated 29 June 2015 invalidating the caste certificate issued to the Petitioner as belonging to Mujawar (Other Backward Class) on 30 August 2007.

3. The Petitioner is a student. After the Petitioner had obtained the caste certificate on 30 July 2007, the caste certificate was sent by the Educational Institute where the Petitioner was studying for verification to the Scrutiny Committee. Before the Scrutiny Committee, the Petitioner produced certain documents pursuant to the notice issued to the Petitioner. The Petitioner was given an opportunity to give his response to the report of the Vigilance Cell. Enquiry was carried out and the report submitted.

4. The Scrutiny Committee considered the documents on record placed by the Petitioner and by the Vigilance Cell and found that only the Petitioner's caste certificate and the school leaving extract in favour of the Petitioner of the year 2003 and 2007 showed the entry as Mujawar and the other documents entry was only Musalman. The Scrutiny Committee observed that the Petitioner had failed to produce the necessary documents prior to the relevant year of 1967 and also that the Petitioner has failed to show any documents that his family was engaged in the profession associated with Mujawar Community. Observing thus, the Respondent – Scrutiny Committee invalidated the caste certificate of the Petitioner.

6. The Petitioner has filed a Civil Application seeking to place certain documents on record such as validity certificate issued and the family tree.

7. Perusal of the impugned order shows that the Scrutiny Committee itself has observed that though there are entries of the Musalman, in the Muslim religion, there was no practice of mentioning caste and sub-caste. That being the stand of the Committee, the Petitioner could not have been expected to produce the documents prior to the relevant year mentioning the caste as Mujawar.

8. As regard the observation that no evidence is produced to show the profession carried out by the Petitioner's family is concerned, the Scrutiny Committee has not taken into consideration the report of the Vigilance Cell. The Vigilance Cell, after carrying out the field enquiry, has observed that the Petitioner's grandfather, father and other family members were residents of the locality they had specified and their traditional occupation was of looking after Dargah and they are known to belong to Mujawar caste by the persons and they were also given Inam land. We find no reference to this report of the Scrutiny Committee.

9. What would be the value of the Vigilance Cell report and the information placed before the Scrutiny Committee by the

Vigilance Cell is a different matter. However, the same could not have been completely omitted from consideration. This being the position, we are of the view that the impugned order needs to be quashed and set aside and the claim of the Petitioner needs to be scrutinized afresh by the Scrutiny Committee. The Petitioner is at liberty to produce additional documents which the Petitioner seeks to place on record of this Petition by the Civil Application.

10. Accordingly, the following order :-

(i) The impugned order dated 29 June 2015 passed by the Respondent No.1 – Divisional Caste Scrutiny Committee No. 1, Solapur is quashed and set aside.

(ii) Caste claim of the Petitioner is restored to file of the Committee to be decided afresh as per law.

11. In the light of what is observed above, liberty to the Petitioner to produce additional documents annexed to the Civil Application, which shall be done by the Petitioner within a period of four weeks from today.

12. The Writ Petition and the Civil Application are accordingly disposed of.

AMIT B. BORKAR, J.

NITIN JAMDAR, J.